LAVVS OF WAR AND ORDINANCES of the SEA.

14

Ordained and Eſtabliſhed by the Parliament of the Common wealth of *England*.

For the Regulating and better Government of the Navies, Fleets, and Ships of War, and Armies by ſea of the Common-wealth of *England*, And all and ſingular perſons, Ships & Veſſels thereunto belonging; to be put in Execution according to an Act of this preſent Parliament, Entituled, *An Act for conſtituting Commiſſioners for Ordering and Managing the Affairs of the Admiralty and Navy*; and to be obſerved and duly obeyed by the Vice-Admirals, Rere-Admirals, Commanders, Captains, Lieutenants, Maſters, Maſters Mates, and all other Officers, Mariners, ſea-men and Souldiers, & all other whomſoever theſe Laws and Ordinances may concern, under the paines and penalties therein contained and expreſſed.

Saturday the 25th. of *December*, 1652.

ORdered by the *Parliament*, That theſe *Articles* be *Printed*. Hen: Scobell, Cleric: Parliamenti.

London: Printed by *Sarah Griffin*, by order of the Commiſſioners for the Admiralty & Navy, 1659.

BIRMINGHAM REFERENCE LIBRARY

127054

4807719

LAVVS OF VVAR
AND
ORDINANCES of the SEA,
Ordained and Eſtabliſhed by the
PARLIAMENT
OF THE
Common-wealth
OF
ENGLAND.

ARTICLE I.

ALl Commanders ſhall endevour, That Almighty God be ſolemnly and reverently ſerved in the reſpective Ships, all Prophaneneſs and Irreligiouſneſs avoided, Preaching and Praying, and other Religious Duties be exerciſed and duly frequented, and the Lords Day Religiouſly obſerved.

II. Unlawful and raſh Oaths, Curſings, Execrations, Drunkenneſs, Uncleanneſs, and other ſcandalous acts in derogation of Gods Honour, and cor-

BIRMINGHAM REFERENCE LIBRARY

ruption of good Manners, ſhall be puniſhed as the Council of War ſhall think fit.

III. All ſuch as ſhall give, practice, hold or entertain Intelligence, to or with any State, Prince or other, being Enemy or Rebel to this Commonwealth, by any manner of means or ſlights; or have any communication with them, without direction or leave of the Parliament, Council of State, the Commiſſioners of the Admiralty, Generals at Sea, or Commander in Chief of the Squadron, ſhall be puniſhed with death.

IV. If any Letter or Meſſage from the Enemy, or on their behalf, be conveyed to any inferiour Officer, Marriner, Souldier or other in the Fleet, and the ſaid Officer, Marriner, Soldier or other as aforeſaid, do not inſtantly acquaint the Superiour Commander with it; or if a Superiour Officer, being acquainted therewith by an inferior Officer, Mariner or other, or himſelf in his own perſon receiving a Letter or Meſſage from the Enemy, reveal not the ſame forthwith to the Generals, Admirals, or the chief of his Squadron; All ſuch Mariners, Officers, Souldiers and others, ſhall be punished as Traytors with pains of death.

V. No perſon or perſons of the Fleet ſhall relieve the Enemy with Money, Victuals, Powder, Shot,

Shot, Arms or Ammunition, directly or indirectly, upon pain of death.

VI. None ſhall harbour or conceal any Enemy, or known Delinquent or Rebel on ſhip-board, nor carry, or endeavour to tranſport any ſuch beyond Sea without Licenſe, upon pain of Death, or other puniſhment as a Councel of Warre ſhall adjudge.

VII. None ſhall preſume wilfully and wittingly to injure or wrong at Sea the known friends or allies of this State, either Members of this Commonwealth or Strangers not in Enmity, upon pain of ſuch puniſhment as the nature & circumſtances of the offence ſhall require; nor in viſiting any Ships or Veſſels, either take Goods forcibly, or by force or terror extort them, upon pain of Death, or other punishment, according to the nature and circumſtances of the Offence.

VIII. All the Papers, Charter parties, Bills of Lading, Paſports and other Writings whatſoever, that ſhall be taken, ſeized, or found aboard any Ship or Ships which ſhall be ſurprized or ſeized as Prize, ſhall be duly preſerved, and not torn nor made away, but the very Originals ſent up entirely and without fraud to the Admiralty Court, there to be viewed, made uſe of, and proceeded upon according to Law, upon pain of loſs of all the

shares

ſhares of the Takers, and ſuch further puniſhment to be inflicted upon the Offenders therein, as the quality of their offence and miſdemeanors ſhall be found to deſerve.

IX. None ſhall take out of any Prize or Ship or Goods ſeized on for Prize, any Money, Plate, Goods, Lading or Tackle, before Judgement firſt thereof paſs in the Admiralty Court; but that the full and entire accompt of the whole without imbezilment ſhall be brought in, and Judgement paſs entirely upon the whole without fraud, upon pain of ſuch puniſhment as ſhall be found by a Councel of War or the Court of Admiralty (as the caſe may happen) to be juſt; excepting, That it ſhall be lawful for all Captains, Sea men, Souldiers, and others, ſerving as aforeſaid, to take and to have to themſelves as pillage, without further or other accompt to be given for the ſame, all ſuch Goods and Merchandizes (other then Arms Ammunition, Tackle, Furniture or Stores of ſuch Ship) as ſhall be found by them or any of them, in any Ship (they ſhall take in Fight as Prize) upon or above the Gun-deck of the ſaid Ship, and not otherwiſe.

X. None ſhall imbezil, ſteal, or take away any Cables, Anchors, Sails, or any of the ſhips Furniture, or any of the Powder, or Arms, or Ammunition of the Ship, upon pain of death, or other pu-

punishment, as the quality of the Offence shall be found by a Councel of War to deserve.

XI. If any Forreign ship or Vessel shall be taken as Prize that shall not fight or make resistance, That in that case none of the Captains, Masters or Mariners, being Forreigners, shall be stripped of their clothes, or in any sort pillaged, beaten or evil entreated, upon pain to pay and make good double the damages; but the said Foreign Ships, and all the goods so taken, shall be preserved entire, to receive Judgement in the Admiralty Court, according to Right and Justice.

XII. Every Captain and Commander, upon Signall or Order of Fight, or view or sight of any Ships of the Enemy, or likelihood of Engagement, shall put all things in his Ship in a fit posture for fight; and cause the Lieutenant, and Gunner, and Quarter-master, and other Officers to fit themselves, and quarter the men according to the number and quality of men and Ordnance, with a competent number to ply the small shot, and likewise to manage and trim the sails; and every Captain & Officer shall in his own person, and according to his place, hearten and encourage the Sea-men and common Men to fight couragiously, and not to behave themselves faintly; nor to yield to the enemy or to cry for Quarter, upon pain of death, or such other punishment as the Offence shall deserve.

XIII. Every

XIII. Every Captain and Commander of any Ship, Frigot or Veſſel of War, shall duly obſerve the Commands of the General at Sea, or his Superior or Commander of any ſquadron for the Aſſailing or ſetting upon any Fleet, Squadron or Ships of the Enemy, or joyning Battel with them, or making defence againſt them, upon pain to ſuffer death, or other puniſhment, as the quality of his neglect or offence shall deſerve.

XIV. Every Captain, and all other Officers, Mariners and Soldiers of every Ship, Frigot or Veſſel of War, that shall in time of any Fight or Engagement withdraw or keep back, or not come in to the Fight, and Engage, and do his utmoſt to take, fire, kill and endamage the Enemy, and aſſiſt and relieve all and every the ships of this Commonwealth, shall for ſuch offence of Cowardize or diſaffection be tryed, and ſuffer pains of death, or other punishment as the Circumſtances of the Offence shall deſerve, and the Councel of War shall judge fit.

XV. Whoſoever, either through cowardize, negligence or diſ-affection, shall forbear to purſue the Chaſe of any Enemy, or Rebel, beaten or flying, or shall not relieve or aſſiſt a friend in view to the utmoſt of his power, shall be punished with death or otherwiſe, as a Councel of War shall find juſt.

XVI. Whe

XVI. When at any time Service or Action ſhall be commanded, no man ſhall preſume to ſtop or put backward, or diſcourage the ſaid Service and Action by pretence of Arrears of Wages, or upon any other pretence whatſoever, upon Pain of death.

XVII. All Captains, Officers and Sea-men, that either have, or ſhall betray their Truſt and turn to the Enemy, and either run away with their Ship, or any Ordnance or Ammunition, or Proviſion, to the weakning of the Service, or yield the ſame up to the Enemy, ſhall be punished with death.

XVIII. All Captains, Officers or Mariners that ſhall deſert the ſervice or their imployment in the Ships, or ſhall run away or intice any others ſo to do, ſhall be pnniſhed with death.

XIX. All Captains of Ships, having once taken any Commiſſion for taking of Prizes, according to any Act, Ordinance or Order of Parliament, or ſerved as any private man of War, or received any Pay or Impreſs, or been otherwiſe imployed from or under the Parliament, that ſhall either turn to the Enemy, or declare themſelves againſt the Parliament, or wilfully ſet upon, Fight with, ſurprize, or take any Ship or Veſſel ſtanding in Obedience to the Parliament or any of their Adhe-

BIRMINGHAM REFERENCE LIBRARY

rents, or shall turn Robber, and use to exercise piracy, either upon or against any Merchants or other Ships, shall be punished with death.

XX. All persons whatsoever that shall come or be found in the nature of Spies, to bring any seducing Letters or Messages from the Enemy, or shall attempt or endeavor to corrupt any Captain, Officer, Mariner or others of the Navy or Fleet, to betray his or their trust, and yield up any Ship, or Ammunition, or turn to the Enemy, shall be punished with death.

XXI. None shall utter any words of Sedition and Uproar, nor make or endeavor to make any mutinous Assemblies upon any pretence whatsoever, upon pain of death.

XXII. No person shall conceal any Mutinous words, or any words spoken by any to the prejudice of the present State or Government, or any words tending to the hindrance of the Service, but shall reveal them to his Superior, that a meet proceeding may be had thereupon, upon pain of such punishment as a Councel of War shall find to be just.

XXIII. None shall presume to quarrell with his superior Officer, upon pain of severe punishment, nor to strike any such, upon pain of death, or otherwise

wise as a Councel of War shall find the matter to deserve.

XXIV. If any finde cause of complaint of the unwholsomnesse of his Victuals, or upon other just ground, he shall quietly make the same known to his Superior, or Captain, or Commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require: And the said Superior or Commander is to cause the same to be presently remedied accordingly; but no person upon any such or other pretence shall privately attempt to stir up any Disturbance, upon pain of such severe punishment as a Councel of War shall find meet to inflict.

XXV. None shall quarrel or fight in the ship, nor use reproachful or provoking speeches, tending to make any quarrel or disturbance upon pain of imprisonment, and such other punishment as the Offence shall deserve.

XXVI. None shall use any words tending to the death of the Admirals or Generals, upon pain of death.

XXVII. Every Captain shall keep the number and complement of men allowed to his Ship full and compleat, and take care to have a full proportion of Mariners and Sea-men, and to get and keep

ſuch as are able and healthful, and fit for ſervice, and not Boys nor infirm perſons, that ſo the Ship may be well mann'd for fight, and not be peſtred with idlers and boys, upon pain to be punished as the quality of the Offence may deſerve.

XXVIII. That there be no waſteful Expence of any Powder, Shot, Ammunition or other Stores, nor any imbezlement thereof, but that the Stores and Proviſions be carefully preſerved, upon ſuch Penalties, by Death, Fine, or otherwiſe upon the Offenders, Abbettors, Buyers and Receivers, as ſhall be by a Councel of War found juſt in that behalf.

XXIX. That care be taken in the conducting and ſteering of the Ships, that through wilfulneſſe, negligence or other defaults none of the Ships be ſtranded or run upon any Rocks or Sands, or ſplit or hazarded, upon pain that ſuch as ſhall be found guilty therein, be punished by death or otherwiſe as the Offence may deſerve.

XXX. None ſhall imbezle any part of the Ships Tackle or Furniture, or of the Arms and Ammunition, upon pain of death.

XXXI. All perſons that ſhall wilfully burn or ſet fire on any Ship, or Magazine, or ſtore of Powder or Ship-boat, Ketch, Hoy or Veſſel, or Tackle or Furniture

Furniture thereto belonging, not appertaining to an Enemy shall be punished with death.

XXXII. No man shall sleep upon his Watch, or negligently perform the duty imposed on him, or forsake his station, upon pain of death or lesser punishment, as the circumstances of the case shall require.

XXXIII. All Murthers and wilful killing of any persons in the ship shall be punished with death.

XXXIV. All Robbery and Theft shall be punished with death or otherwise, as the Council of War (upon consideration of circumstances) shall find meet.

XXXV. The Captains, Officers and Sea-men of all Ships appointed for Convoy and Guard of Merchant ships, or any other, shall diligently attend upon that charge without delay, according to their Instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform the same, and defend the Ships and goods in their Convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence, if they be set upon or assailed, or running away cowardly and submitting those in their Convoy to perill and hazard, shall be condemned to make reparation of the Damage to the Merchants

Merchants, and Owners, and others, as the Court of Admiralty shall adjudge; and also be punished criminally, according to the quality and quantity of their Offences, be it by pains of death or lesser punishment: And that no Captain, Master or other Officer of any ship belonging to the State or in their service, shall demand, receive, or take from any Merchant or other, whose ship or goods he is appointed to Convoy, any Fee, Gratuity or Reward in respect thereof, upon pain that such Captain, Master and Officer shall for such Offence be cashiered.

XXXVI. No provost Marshall belonging to the Fleet shall refuse to receive or to keep any Prisoner committed to his charge, nor dismiss him, nor suffer him to escape, being once in his custody, upon pain of being lyable to the same punishment which should have been inflicted upon the party dismissed or permitted to escape, or such other punishment as the Councel of War shall think fit.

XXXVII. No man shall presume to use any braving or menacing Words, Signs or Gestures while the Court-Martial is sitting, upon pain of fine and Imprisonent.

XXXVIII. All Captains, Officers and Seamen shall do their endeavour to detect, apprehend, and bring to punishment all Offenders, and shall assist

assist the Officers appointed for that purpose therein, upon pain to be proceeded against and punished in the Court-Marshal at discretion.

XXXIX. All other Faults, Disorders and Offences not mentioned in these Articles, shall be punished according to the Laws and Customs of the Sea, and according to the general Customs and Laws of War.

Hen: Scobell, Cleric. Parliamenti;

FINIS.

BIRMINGHAM REFERENCE LIBRARY